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November 15, 2023

VIA ELECTRONIC CASE FILING

The Honorable Michael E. Wiles
U.S. Bankruptcy Judge
U.S. Bankruptcy Court for the Southern District of New York
Courtroom 617
One Bowling Green
New York, NY 10004-1408

Re: Hurwitz v. Darling, et al., Adv. Proc. Case No. 23-01022 (MEW) (Bankr.
S.D.N.Y.) (the "Action"): Status of Service of Process

Dear Judge Wiles:

I write to address the Court's request for a status update on service of process on Defendants in the above-referenced Action.

As the Court may recall, the Action names as defendants a number of individuals and entities domicile in, residing in, or formed under the laws of (i) the United States of America, (ii) the British Virgin Islands, (iii) Jersey, and (i) Hong Kong, China.

During our status conference on August 1, 2023, I provided an update on service of the Defendants. I supplemented my update to the Court in writing by letter dated August 2, 2023. *See* Adv. Dkt. No. 22.

I can report to the Court that service of process is complete for all Defendants (i) domiciled in the United States of America (*see* Adv. Dkt. No. 6), (ii) formed under the laws of the BVI (Adv. Dkt. Nos. 10, 11, 12, 13, 14), (iii) formed under the laws of Jersey (*see* Adv. Dkt. No. 15), and (iv) formed under the laws of Liberia (in the case of Defendant Golden Step Limited) (*see* Adv. Dkt. No. 24).

The following persons and entities are Defendants domicile in, residing in, or formed under the laws of Hong Kong, China: (i) Spencer Theodore Fung; (ii) Dr. William Fung Kwon Lun; (iii) Fung Holdings (1937) Limited; (iv) Bruce Philip Rockowitz; (v) Dr. Victor Fung Kwok King (collectively, the "Hong Kong Defendants"). I understand that service on the Hong Kong Defendants was effected by an agent of the Civil Action Group prior to or on July 28, 2023. As is

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customary, following service, Ms. Ann Mickow of the Civil Action Group is expected to forward proof of service with respect to service on the Hong Kong Defendants. I wrote to Ms. Mickow to request an update on when proof of service would be secured on October 27, 2023, and incidentally this morning before I learned of the Court's inquiry. In both correspondence, I inquired as to when Ms. Mickow would be able to provide proof of service for the Hong Kong Defendants.

After learning of the Court's request for a status update, I sent another email to Ms. Mickow alerting her to the Court's inquiry. Ms. Mickow acknowledged my request for a status update, and promised to provide me with one. She also expressed her assumption that "[s]he would have something in the next couple of weeks."

I engaged the Civil Action Group here because of their experience and expertise in conducting service of process in foreign jurisdictions, including Hong Kong, China. Unfortunately, from my prior experience with Ms. Mickow and the Civil Action Group in an unrelated litigation, I have come to understand that delays from servers in providing proof of service is not uncommon. I am hopeful that Ms. Mickow will facilitate the return of the appropriate proof of service in a timely manner.

I apologize for any inconvenience that this may have caused the Court.

Respectfully,
/s/ Gordon Z. Novod
Gordon Z. Novod

CC: Ann Mickow (via email MickowA@civilActionGroup.com)
Counsel of record (via ECF)